

DRAFT 10-29-13.2

WYOMING GAME AND FISH COMMISSION

CHAPTER 27

**RULES OF PRACTICE GOVERNING CONTESTED CASES
BEFORE THE WYOMING GAME AND FISH COMMISSION**

Section 1. Authority. This regulation is promulgated by authority of W.S. §16-3-107, §16-3-108, §16-3-109, §16-3-110, §16-3-111, §16-3-112, §16-3-113, §16-3-114, §16-3-115, and §23-1-303.

~~**Section 2. Regulation.** The Wyoming Game and Fish Commission hereby adopts the following regulation for rules of practice governing contested cases before the Commission. This regulation shall remain in effect until modified or repealed by the Commission.~~

Section 32. Definitions. ~~For the purpose of this regulation, definitions~~ **Definitions** shall be as set forth in Title 23, Wyoming Statutes, **Commission regulations**, and the Commission also adopts the following definitions:

~~(a) “Commission” means the Wyoming Game and Fish Commission.~~

~~(b)~~ **(a)** “Contestee” means the person, persons, firm, or corporation licensed by law under the jurisdiction of the Commission and against whom the Department is proceeding.

~~(b) “Department” means the Wyoming Game and Fish Department.~~

Section 43. Notice. Contested cases shall be commenced by a notice sent by the Department to the contestee. The notice shall include a statement setting forth:

(a) The name and address of each contestee.

(b) A statement in ordinary and concise language of the facts upon which the contest is based, including, whenever applicable, particular reference to the statutes, rules, and orders allegedly violated.

(b) A statement of the legal authority and jurisdiction under which the hearing is to be held.

(c) A statement of time, place and nature of hearing.

Section 54. Service.

(a) Notice shall be served upon each contestee at least twenty (20) days prior to the date set for hearing.

(b) Service of the Notice or of any other document or pleading required to be served may be made either personally or by mailing to the last known address of the contestee. If personal service is made, the return of service shall be made by the certification of the person who made such service. Such return of service may be filed with the Commission prior to the commencement of the hearing.

Section 65. Subpoenas. Upon application of any party, the Commission, or its designated presiding officer, shall issue subpoenas requiring the appearance of witnesses for the purpose of taking evidence or requiring the production of any relevant books, papers or other documents.

Section 76. Hearing. At the date, time and place of hearing set by the Commission, or its designated presiding officer, and in accordance with the Notice given, the Commission, or a presiding officer designated by the Commission, shall hear all matters presented. All matters enumerated in the notice shall be presented by an officer, agent or attorney acting on behalf of the Department. Any contestee may be represented personally or by counsel, provided that such counsel is duly authorized to practice law in the State of Wyoming or otherwise associated at the hearing with an attorney authorized to practice law in this State.

Section 87. Order of Procedure at Hearing. As nearly as may be, hearings shall be conducted in accordance with the following order of procedure:

- (a) Each party may make an opening statement.
- (b) The Department's evidence will be presented.
- (c) The Contestee's evidence will be presented.
- (d) Each party may offer rebuttal evidence.

(e) After all proceedings have been concluded, the person presiding at the hearing shall declare the hearing closed. Members of the Commission and the designated presiding officer may examine witnesses. The presiding officer may allow evidence to be offered out of the order herein prescribed.

Section 98. Re-Opening Hearing. The Commission may reopen a hearing on its own motion or upon motion of any party for good cause shown.

Section 109. Supersedes Old Rules. These Rules of Practice shall supersede the Rules of Practice previously on file governing contests before the Commission.

Section 11. Savings Clause. ~~If any provision of this regulation is held to be illegal or unconstitutional, such a ruling shall not affect other provisions of this regulation which can be given effect without the illegal or unconstitutional provision; and, to this end, the provisions of this regulation are severable.~~

WYOMING GAME AND FISH COMMISSION

By: _____
Ed Mignery Mike Healy, President

Date: ~~July 29, 2010~~ January 22, 2014